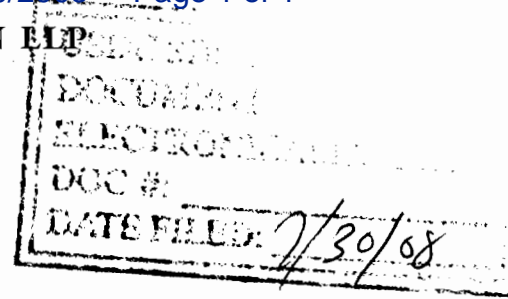


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MEMORANDUM ENDORSED

July 25, 2008

VIA FIRST CLASS MAIL

The Honorable Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Lavian v. Tokayer, Esq.
United States District Court, Southern District of New York
Civil Action No.: 08-CV-00938 (PAC/GWG)
FKB File No.: 300.050

Plaintiff's response to this motion is due August 29, 2008.
Defendant's reply is due September 19, 2008.

Each party is reminded that he should respond promptly to any
telephone call from the other side.

SO ORDERED, DATE: 7/25/08

GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

Dear Judge Gorenstein:

This firm represents Ira Daniel Tokayer, Esq., a defendant in the above-captioned matter. Enclosed please find defendant Tokayer's motion to dismiss the Complaint pursuant to Fed. Rules of Civ. Pro. 12 (b) (6).

Pursuant to your Honor's rules, I placed two calls to the plaintiff, on July 14, 2006 and July 22, 2008, to arrange a motion briefing schedule. Neither of the calls were returned. Thus, we welcome the Court's guidance with respect to providing a motion briefing schedule.

I thank you for the Court's attention to this matter.

Respectfully submitted,

FURMAN KORNFELD & BRENNAN LLP

Andrew S. Kowlowitz